IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 16254 of 2007(I)

PETITIONER:

V.M.HANEEFA RAWTHER, VALLIVILAYIL HOUSE,
ATHIKKATTUKULANGARA P.O., NOORANADU.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:

1. THE REGIONAL TRANSPORT AUTHORITY,
   PATHANAMTHITTA, REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY,
   REGIONAL TRANSPORT AUTHORITY,
   PATHANAMTHITTA.

BY G.P. SHRI.BENJAMIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.16254 of 2007

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Dated this the 7th day of August, 2007

J U D G M E N T

The petitioner is aggrieved by Ext.P6 order of the 1st respondent, whereby for considering the petitioner's application for renewal of regular permit, the petitioner was directed to produce NOC from the financier of the petitioner's vehicle, KL-03/A.8575. The petitioner points out that by Ext.P3 the petitioner was permitted to replace vehicle No.KL–03/A.8575 with a later model vehicle No.KL-05/K.131 with effect from 27.12.2006. Therefore, there is no requirement of NOC in respect of KL-03/A.8575 is the submission made by the petitioner.

2. I have heard the learned Government Pleader also.

3. Clearly, in view of Ext.P3, the direction in Ext.P6 is unsustainable. In the above circumstances, I direct the first respondent to consider the petitioner's application for renewal of the permit without insisting on production of NOC in respect of

vehicle No.KL-03/A.8575 and considering the petitioner's request for renewal of the permit for vehicle S.C. KL-05/K.131. This shall be done within two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.